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NATIONS

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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Thirteenth session
Geneva, 20 November - 8 December 1995

PROVISIONAL AGENDA AND ANNOTATIONS

Note by the Secretary-General

1. The thirteenth session of the Committee on Economic, Social and Cultural Rights, established in accordance with Economic and Social Council resolution 1985/17, will be held at the United Nations Office at Geneva from 20 November to 8 December 1995. The first meeting will be convened on Monday, 20 November 1995, at 10.30 a.m.

2. The attached provisional agenda and annotations for the thirteenth session of the Committee have been prepared by the Secretary-General in accordance with rule 4 of the rules of procedure of the Committee.

3. The attention of the States parties is drawn, in particular, to the annotations to item 4 containing the list of reports that will be before the Committee at its thirteenth session.

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PROVISIONAL AGENDA

1. Adoption of the agenda.

2. Organization of work.

3. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant.

4. Consideration of reports:

   (a) Reports submitted by States parties in accordance with article 16 of the Covenant;

   (b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant.

5. General discussion: "Draft optional protocol to the International Covenant on Economic, Social and Cultural Rights".

6. Relations with United Nations organs and other treaty bodies.

7. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies.

8. Report of the Committee to the Economic and Social Council.

ANNOTATIONS

1. Adoption of the agenda

Under rule 5 of the rules of procedure, the first item on the provisional agenda of any session shall be the adoption of the agenda, except for the election of its officers when required under rule 14. In accordance with rule 6 the Committee, during a session, may revise the agenda and may, as appropriate, add, delete or defer items.

2. Organization of work

In accordance with rule 8 of its rules of procedure, at the beginning of each session, the Committee shall consider appropriate organizational matters, including the schedule of its meetings. In this connection, the attention of the members of the Committee is drawn to the draft programme of work for the session, prepared by the Secretary-General in consultation with the Chairperson of the Committee and in accordance with established practice (E/C.12/1995/L.2).

3. Submission of reports by States parties in accordance with articles 16 and 17 of the Covenant

In accordance with rule 59, paragraph 1, of its rules of procedure, the Committee shall at each session consider the status of submission of reports under article 16 of the Covenant and may make appropriate recommendations to the Council, including recommendations to the effect that the Secretary-General should send reminders to States parties from which reports have not been received.

The Committee will have before it under this item the following documents:

(a) Revised schedule for the submission of reports by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/1990/5);

(b) A note by the Secretary-General on the States parties to the Covenant and the status of submission of reports (E/C.12/1995/10).

4. Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant

In accordance with rule 61, paragraph 2, of its rules of procedure, the Committee shall normally consider the reports submitted by States parties under article 16 of the Covenant in the order in which they have been received by the Secretary-General. Representatives of the reporting States are entitled to be present at the meetings of the Committee when their reports are examined; such representatives should be able to make statements on the reports submitted by

their Governments and reply to questions which may be put to them by the members of the Committee.

At its twelfth session, the Committee requested the Secretary-General to schedule five reports from five States parties for consideration at its thirteenth session.

In accordance with rule 62, paragraph 2, of the Committee's rules of procedure, the Secretary-General has informed the States parties concerned of the opening date and duration of the thirteenth session of the Committee as well as of the dates at which their respective reports will be examined and has invited them to send representatives to attend the meetings of the Committee.

As at 1 September 1995, the reports listed below had been received by the Secretary-General. The reports of the States parties which are scheduled for consideration by the Committee at its thirteenth session are identified by an asterisk. The tentative timetable for consideration of those reports, prepared by the Secretary-General in consultation with the Chairperson of the Committee, is contained in document E/C.12/1995/L.2.

Initial reports concerning articles 1 to 15 of the Covenant

Mauritius*	E/1990/5/Add.21
Algeria*	E/1990/5/Add.22
Paraguay	E/1990/5/Add.23
Guatemala	E/1990/5/Add.24
El Salvador	E/1990/5/Add.25
Libyan Arab Jamahiriya	E/1990/5/Add.26
Guyana	E/1990/5/Add.27
Zimbabwe	E/1990/5/Add.28
Peru	E/1990/5/Add.29

Second periodic reports concerning articles 1 to 15 of the Covenant

Dominican Republic	E/1990/6/Add.7
Portugal (Macao)	E/1990/6/Add.8

Third periodic reports concerning articles 1 to 15 of the Covenant

Colombia*	E/1994/104/Add.2
Norway*	E/1994/104/Add.3
Ukraine*	E/1994/104/Add.4
Spain	E/1994/104/Add.5
Belarus	E/1994/104/Add.6
Finland	E/1994/104/Add.7
Russian Federation	E/1994/104/Add.8

(b) Reports submitted by specialized agencies in accordance with article 18 of the Covenant

In accordance with rule 67 of its rules of procedure, the Committee is entrusted with the task of considering the reports submitted by specialized agencies pursuant to article 18 of the Covenant.

In accordance with rule 68 of the rules of procedure, the representatives of the specialized agencies concerned may make statements on matters falling within the scope of the activities of their respective organization in the course of the discussion by the Committee of the report of each State party to the Covenant. The representatives of the States parties presenting reports to the Committee shall be free to respond to, or take into account, the statements made by the specialized agencies. The Secretary-General has invited the following specialized agencies to send representatives to attend the meetings of the Committee: International Labour Organisation (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Health Organization (WHO), International Monetary Fund (IMF) and World Bank.

Any report which may be received from the specialized agencies under article 18 of the Covenant will be made available to the Committee in due course.

5. General discussion: "Draft optional protocol to the International Covenant on Economic, Social and Cultural Rights"

At its twelfth session, the Committee decided that Monday, 4 December 1995 would be a day of general discussion devoted to the Draft optional protocol to the International Covenant on Economic, Social and Cultural Rights. In this connection, the Committee requested Mr. Philip Alston to submit a revised report which should provide the basis upon which the Committee could complete its consideration of this matter, with a view to forwarding a final report to the Commission on Human Rights at its fifty-second session.

6. Relations with United Nations organs and other treaty bodies

The Committee decided at its sixth session to nominate individual members to follow the work of each of the other treaty bodies. Such members are to follow as closely as possible the work of the relevant committees, to liaise where possible with members of these committees and to present an oral report on developments of both a procedural and substantive nature in their work which appeared to be of specific relevance to the work of the Committee (E/1992/23, paras. 371-373).

7. Formulation of suggestions and recommendations of a general nature based on the consideration of reports submitted by States parties to the Covenant and by the specialized agencies

Pursuant to rule 64 of its rules of procedure, the Committee may wish to make suggestions and recommendations of a general nature on the basis of its consideration of reports submitted by States parties and the reports submitted by specialized agencies, in order to assist the Council to fulfil, in particular, its responsibilities under articles 21 and 22 of the Covenant. The Committee may

also wish to make suggestions for consideration by the Council with reference to articles 19, 22 and 23 of the Covenant.

8. Report of the Committee to the Economic and Social Council

In accordance with rule 57 of the its rules of procedure, the Committee shall submit to the Council an annual report on its activities, which shall contain, inter alia, the concluding observations of the Committee relating to each State party's report.

The Committee shall also include in its report suggestions and recommendations of a general nature referred to under rule 64 of the rules of procedure of the Committee.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
Thirteenth session
Geneva, 20 November-8 December 1995

STATES PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND STATUS OF THE SUBMISSION OF REPORTS IN ACCORDANCE WITH THE PROGRAMME ESTABLISHED BY THE ECONOMIC AND SOCIAL COUNCIL IN RESOLUTION 1988/4, AND ARTICLE 18 OF THE RULES OF PROCEDURE OF THE COMMITTEE

Note by the Secretariat

1. The International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly in resolution 2200 A (XXI) of 16 December 1966 entered into force on 3 January 1976, three months after the date of the deposit with the Secretary-General of the United Nations of the thirty-fifth instrument of ratification, as provided for in article 27 of the Covenant.

2. As at 1 September 1995, the Covenant had been ratified or acceded to by 132 States. A list of States parties as well as information on the status of the submission of reports by States parties, is to be found in the annex to the present document.

Annex

STATES PARTIES TO THE COVENANT AND STATUS OF SUBMISSION OF REPORTS
(as of 1 September 1995)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
1. Afghanistan	24 April 1983	E/1990/5/Add.8 (E/C.12/1991/SR.2, 4-6 and 8)					
2. Albania	4 January 1992	Overdue					
3. Algeria	12 December 1989	E/1990/5/Add.22 (Pending consideration)					
4. Angola	10 April 1992	Overdue					
5. Argentina	8 November 1986	E/1990/5/Add.18 (E/C.12/1994/SR.31, 32, 35, 36, 37)		E/1988/5/Add.4 E/1988/5/Add.8 (E/C.12/1990/ SR.18-20)			
6. Armenia	13 December 1993	Overdue					
7. Australia*	10 March 1976	E/1978/8/Add.15 (E/1980/WG.1/ SR.12-13)	E/1980/6/Add.22 (E/1981/WG.1/ SR.18)	E/1982/3/Add.9 (E/1982/WG.1/ SR.13-14)	E/1984/7/Add.22 (E/1985/WG.1/ SR.17, 18 and 21)	E/1986/4/Add.7 (E/1986/WG.1/ SR.10, 11, 13 and 14)	E/1990/7/Add.13 (E/C.12/1993/ SR.13, 15 and 20)
8. Austria	10 December 1978	E/1984/6/Add.17 (E/C.12/1988/ SR.3-4)	E/1980/6/Add.19 (E/1981/WG.1/ SR.8)	E/1982/3/Add.37 (E/C.12/1988/ SR.3)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)	E/1986/4/Add.8 and Corr.1 (E/1986/WG.1/ SR.4 and 7)	E/1990/6/Add.5 (E/C.12/1994/ SR.39-41)
9. Azerbaijan	13 November 1992	Overdue					

Annex (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
10. Barbados	3 January 1976	E/1978/8/Add.33 (E/1982/WG.1/ SR.3)	E/1980/6/Add.27 (E/1982/WG.1/ SR.6-7)	E/1982/3/Add.24 (E/1983/WG.1/ SR.14-15)	Overdue		
11. Belarus**	3 January 1976	E/1978/8/Add.19 (E/1980/WG.1/ SR.16)	E/1980/6/Add.18 (E/1981/WG.1/ SR.16)	E/1982/3/Add.3 (E/1982/WG.1/ SR.9-10)	E/1984/7/Add.8 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.19 (E/C.12/1988/ SR.10-12)	E/1990/7/Add.5 (E/C.12/1992/ SR.2, 3 and 12)
12. Belgium	21 July 1983	E/1990/5/Add.15 (E/C.12/1994/SR.15-17)			Due on 30 June 1995		
13. Benin	12 June 1992	Overdue					
14. Bolivia	12 November 1982	Overdue					
15. Bosnia and Herzegovina	6 March 1993	Overdue					
16. Brazil	24 April 1992	Overdue					
17. Bulgaria*	3 January 1976	E/1978/8/Add.24 (E/1980/WG.1/ SR.12)	E/1980/6/Add.29 (E/1982/WG.1/ SR.8)	E/1982/3/Add.23 (E/1983/WG.1/ SR.11-13)	E/1984/7/Add.18 (E/1985/WG.1/ SR.9 and 11)	E/1986/4/Add.20 (E/C.12/1988/ SR.17-19)	Overdue
18. Burundi	9 August 1990	Overdue					
19. Cambodia	26 August 1992	Overdue					
20. Cameroon	27 September 1984	Overdue	E/1986/3/Add.8 (E/C.12/1989/ SR.6-7)	Overdue			
21. Canada***	19 August 1976	E/1978/8/Add.32 (E/1982/WG.1/ SR.1-2)	E/1980/6/Add.32 (E/1984/WG.1/ SR.4 and 6)	E/1982/3/Add.34 (E/1986/WG.1/ SR.13, 15 and 16)	E/1984/7/Add.28 (E/C.12/1989/ SR.8 and 11)	E/1990/6/Add.3 (E/C.12/1993/SR.6, 7 and 18)	
22. Cape Verde	6 November 1993	Overdue					
23. Central African Republic	8 August 1981	Overdue					
24. Chad	9 September 1995	Due on 30 June 1997					

Annex (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
25. Chile*	3 January 1976	E/1978/8/Add.10 and 28 (E/1980/WG.1/ SR.8-9)	E/1980/6/Add.4 (E/1981/WG.1/ SR.7)	E/1982/3/Add.40 (E/C.12/1988/ SR.12-13 and 16)	E/1984/7/Add.1 (E/1984/WG.1/ SR.11-12)	E/1986/4/Add.18 (E/C.12/1988/ SR.12-13 and 16)	Overdue
26. Colombia**	3 January 1976	E/1978/8/Add.17 (E/1980/WG.1/ SR.15)	E/1986/3/Add.3 (E/1986/WG.1/ SR.6 and 9)	E/1982/3/Add.36 (E/1986/WG.1/ SR.15, 21 and 22)	E/1984/7/Add.21/ Rev.1 (E/1986/WG.1/ SR.22 and 25)	E/1986/4/Add.25 (E/C.12/1990/ SR.12-14 and 17)	E/1990/7/Add.4 (E/C.12/1991/ SR.17, 18 and 25)
27. Congo	5 January 1984	Overdue					
28. Costa Rica	3 January 1976	E/1990/5/Add.3 (E/C.12/1990/SR.38, 40, 41 and 43)			Overdue		
29. Côte d'Ivoire	26 June 1992	Overdue					
30. Croatia	8 October 1991	Overdue					
31. Cyprus*	3 January 1976	E/1978/8/Add.21 (E/1980/WG.1/ SR.17)	E/1980/6/Add.3 (E/1981/WG.1/ SR.6)	E/1982/3/Add.19 (E/1983/WG.1/ SR.7-8)	E/1984/7/Add.13 (E/1984/WG.1/ SR.18 and 22)	E/1986/4/Add.2 and 26 (E/C.12/1990/ SR.2, 3 and 5)	Overdue
32. Czech Republic	1 January 1993	Overdue					
33. Democratic People's Republic of Korea	14 December 1981	E/1984/6/Add.7 (E/C.12/1987/ SR.21-22)	E/1986/3/Add.5 (E/C.12/1987/ SR.21-22)	E/1988/5/Add.6 (E/C.12/1991/ SR.6, 8 and 10)	Overdue		
34. Denmark*	3 January 1976	E/1978/8/Add.13 (E/1980/WG.1/ SR.10)	E/1980/6/Add.15 (E/1981/WG.1/ SR.12)	E/1982/3/Add.20 (E/1983/WG.1/ SR.8-9)	E/1984/7/Add.11 (E/1984/WG.1/ SR.17 and 21)	E/1986/4/Add.16 (E/C.12/1988/ SR.8-9)	Overdue

Annex (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
35. Dominica	17 September 1993	Overdue					
36. Dominican Republic	4 April 1978	E/1990/5/Add.4 (E/C.12/1990/SR.43-45 and 47)			E/1990/6/Add.7 (Pending consideration)		
37. Ecuador	3 January 1976	E/1978/8/Add.1 (E/1980/WG.1/ SR.4-5)	E/1986/3/Add.14 E/1988/5/Add.7 (E/C.12/1990/SR.37-39 and 42)		E/1984/7/Add.12 (E/1984/WG.1/ SR.20 and 22)	Overdue	
38. Egypt	14 April 1982	Overdue					
39. El Salvador	29 February 1980	E/1990/5/Add.25 (Pending consideration)					
40. Equatorial Guinea	25 December 1987	Overdue					
41. Estonia	21 January 1992	Overdue					
42. Ethiopia	11 September 1993	Due on 30 June 1995					
43. Finland**	3 January 1976	E/1978/8/Add.14 (E/1980/WG.1/ SR.6)	E/1980/6/Add.11 (E/1981/WG.1/ SR.10)	E/1982/3/Add.28 (E/1984/WG.1/ SR.7-8)	E/1984/7/Add.14 (E/1984/WG.1/ SR.17-18)	E/1986/4/Add.4 (E/1986/WG.1 SR.8-9 and 11)	E/1990/7/Add.1 (E/C.12/1991/ SR.11, 12 and 16)
44. France	4 February 1981	E/1984/6/Add.11 (E/1986/WG.1/ SR.18-19 and 21)	E/1986/3/Add.10 (E/C.12/1989/ SR.12-13)	E/1982/3/Add.30 and Corr.1 (E/1985/WG.1/ SR.5 and 7)	Overdue		
45. Gabon	21 April 1983	Overdue					

Annex (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
46. Gambia	29 March 1979	Overdue					
47. Georgia	3 August 1994	Due on 30 June 1996					
48. Germany***	3 January 1976	E/1978/8/Add.8 and Corr.1 (E/1980/WG.1/ SR.8) E/1978/8/Add.11 (E/1980/WG.1/ SR.10)	E/1980/6/Add.6 (E/1981/WG.1/ SR.8) E/1980/6/Add.10 (E/1981/WG.1/ SR.10)	E/1982/3/Add.15 and Corr.1 (E/1983/WG.1/ SR.5-6) E/1982/3/Add.14 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.3 and 23 (E/1985/WG.1/ SR.12 and 16) E/1984/7/Add.24 and Corr.1 (E/1986/WG.1/ SR.22-23 and 25)	E/1986/4/Add.11 (E/C.12/1987/ SR.11, 12 and 14) E/1986/4/Add.10 (E/C.12/1987/ SR.19-20)	E/1990/7/Add.12 (E/C.12/1993/ SR.35, 36 and 46)
49. Greece	16 August 1985	Overdue					
50. Grenada	6 December 1991	Overdue					
51. Guatemala	19 August 1988	E/1990/5/Add.24 (Pending consideration)					
52. Guinea	24 April 1978	Overdue					
53. Guinea-Bissau	2 October 1992	Overdue					
54. Guyana	15 May 1977	E/1990/5/Add.27 (Pending consideration)		E/1982/3/Add.5, 29 and 32 (E/1984/WG.1/ SR.20 and 22 and E/1985/WG.1/ SR.6)			
55. Honduras	17 May 1981	Overdue					
56. Hungary*	3 January 1976	E/1978/8/Add.7 (E/1980/WG.1/ SR.7)	E/1980/6/Add.37 (E/1986/WG.1/ SR.6-7 and 9)	E/1982/3/Add.10 (E/1982/WG.1/ SR.14)	E/1984/7/Add.15 (E/1984/WG.1/ SR.19 and 21)	E/1986/4/Add.1 (E/1986/WG.1/ SR.6-7 and 9)	E/1990/7/Add.10 (E/C.12/1992/ SR.9, 12 and 21)

Annex (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
57. Iceland	22 November 1979	E/1990/5/Add.6, (E/C.12/1993/SR.30, 31 and 46) E/1990/5/Add.14			Due on 30 June 1996		
58. India	10 July 1979	E/1984/6/Add.13 (E/1986/WG.1/ SR.20 and 24)	E/1980/6/Add.34 (E/1984/WG.1/ SR.6 and 8)	E/1988/5/Add.5 (E/C.12/1990/ SR.16-17 and 19)	Overdue		
59. Iran (Islamic Republic of)	3 January 1976	E/1990/5/Add.9 (E/C.12/1993/SR.7-9 and 20)		E/1982/3/Add.43 (E/C.12/1990/ SR.42, 43 and 45)	Overdue		
60. Iraq***	3 January 1976	E/1984/6/Add.3 and 8 (E/1985/WG.1/ SR.8 and 11)	E/1980/6/Add.14 (E/1981/WG.1/ SR.12)	E/1982/3/Add.26 (E/1985/WG.1/ SR.3-4)	Overdue	E/1986/4/Add.3 (E/1986/WG.1/ SR.8 and 11)	E/1990/7/Add.15 (E/C.12/1994/ SR.11 and 14)
61. Ireland	8 March 1990	Overdue					
62. Israel	3 January 1982	Overdue					
63. Italy	15 December 1978	E/1978/8/Add.34 (E/1982/WG.1/ SR.3-4)	E/1980/6/Add.31 and 36 (E/1984/WG.1/ SR.3 and 5)		E/1990/6/Add.2 (E/C.12/1992/SR.13, 14 and 21)		
64. Jamaica	3 January 1976	E/1978/8/Add.27 (E/1980/WG.1/ SR.20)	E/1986/3/Add.12 (E/C.12/1990/ SR.10-12 and 15)	E/1988/5/Add.3 (E/C.12/1990/ SR.10-12 and 15)	E/1984/7/Add.30 (E/C.12/1990/ SR.10-12 and 15)	Overdue	

Annex (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
65. Japan	21 September 1979	E/1984/6/Add.6 and Corr.1 (E/1984/WG.1/ SR.9-10)	E/1986/3/Add.4 and Corr.1 (E/1986/WG.1/ SR.20-21 and 23)	E/1982/3/Add.7 (E/1982/WG.1/ SR.12-13)	Overdue		
66. Jordan	3 January 1976	E/1984/6/Add.15 (E/C.12/1987/ SR.6-8)	E/1986/3/Add.6 (E/C.12/1987/ SR.8)	E/1982/3/Add.38/ Rev.1 (E/C.12/1991/ SR.30-32)	Overdue		
67. Kenya	3 January 1976	E/1990/5/Add.18 (Pending consideration)					
68. Kyrgyzstan	7 January 1995	Due on 30 June 1997					
69. Latvia	14 July 1992	Overdue					
70. Lebanon	3 January 1976	E/1990/5/Add.16 (E/C.12/1993/SR.14, 16 and 21)			Overdue		
71. Lesotho	9 December 1992	Overdue					
72. Libyan Arab Jamahiriya	3 January 1976	E/1990/5/Add.26 (Pending consideration)		E/1982/3/Add.6 and 25 (E/1983/WG.1/ SR.16-17)			
73. Lithuania	20 February 1992	Overdue					
74. Luxembourg	18 November 1983	E/1990/5/Add.1 (E/C.12/1990/SR.33-36)			Overdue		

Annex (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
75. Macedonia, former Yugoslav Republic of	17 September 1991	Overdue					
76. Madagascar	3 January 1976	E/1978/8/Add.29 (E/1981/WG.1/ SR.2)	E/1980/6/Add.39 (E/1986/WG.1/ SR.2-3 and 5)	Overdue	E/1984/7/Add.19 (E/1985/WG.1/ SR.14 and 18)	Overdue	Overdue
77. Malawi	22 March 1994	Due on 30 June 1996					
78. Mali	3 January 1976	Overdue					
79. Malta	13 December 1990	Overdue					
80. Mauritius	3 January 1976	E/1990/5/Add.21 (Pending consideration)					
81. Mexico	23 June 1981	E/1984/6/Add.2 and 10 (E/1986/WG.1/ SR.24, 26 and 28)	E/1986/3/Add.13 (E/C.12/1990/ SR.6, 7 and 9)	E/1982/3/Add.8 (E/1982/WG.1/ SR.14-15)	E/1990/6/Add.4 (E/C.12/1993/SR.32-35 and 49)		
82. Moldova	26 March 1993	Overdue					
83. Mongolia*	3 January 1976	E/1978/8/Add.6 (E/1980/WG.1/ SR.7)	E/1980/6/Add.7 (E/1981/WG.1/ SR.8-9)	E/1982/3/Add.11 (E/1982/WG.1/ SR.15-16)	E/1984/7/Add.6 (E/1984/WG.1/ SR.16 and 18)	E/1986/4/Add.9 (E/C.12/1988/ SR.5 and 7)	Overdue
84. Morocco	3 August 1979	E/1990/5/Add.13 (E/C.12/1994/SR.8-10)			Overdue		
85. Namibia	28 February 1995	Due on 30 June 1997					
86. Nepal	14 August 1991	Overdue					

Annex (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
87. Netherlands	11 March 1979	E/1984/6/Add.14 and 20 (E/C.12/1987/ SR.5-6) (E/C.12/1989/ SR.14-15)	E/1980/6/Add.33 (E/1984/WG.1/ SR.4-6 and 8)	E/1982/3/Add.35 and 44 (E/1986/WG.1/ SR.14 and 18) (E/C.12/1989/ SR.14-15)	Overdue	E/1986/4/Add.24 (E/C.12/1989/ SR.14-15)	Overdue
88. New Zealand	28 March 1979	E/1990/5/Add.5, E/1990/5/Add.11 and E/1990/5/Add.12 (E/C.12/1993/SR.24, 25, 26 and 40)			Overdue		
89. Nicaragua	12 June 1980	E/1984/6/Add.9 (E/1986/WG.1/ SR.16-17 and 19)	E/1986/3/Add.15 (E/C.12/1993/ SR.27, 28 and 46)	E/1982/3/Add.31 and Corr.1 (E/1985/WG.1/ SR.15)	Overdue		
90. Niger	7 June 1986	Overdue					
91. Nigeria	29 October 1993	Overdue					
92. Norway**	3 January 1976	E/1978/8/Add.12 (E/1980/WG.1/ SR.5)	E/1980/6/Add.5 (E/1981/WG.1/ SR.14)	E/1982/3/Add.12 (E/1982/WG.1/ SR.16)	E/1984/7/Add.16 (E/1984/WG.1/ SR.19 and 22)	E/1986/4/Add.21 (E/C.12/1988/ SR.14-15)	E/1990/7/Add.7 (E/C.12/1992/ SR.4, 5 and 12)
93. Panama	8 June 1977	E/1984/6/Add.19 (E/C.12/1991/ SR.3, 5 and 8)	E/1980/6/Add.20 and 23 (E/1982/WG.1/ SR.5)	E/1988/5/Add.9 (E/C.12/1991/ SR.3, 5 and 8)	Overdue	E/1986/4/Add.22 (E/C.12/1991/ SR.3, 5 and 8)	Overdue
94. Paraguay	10 September 1992	E/1990/5/Add.23 (Pending consideration)					
95. Peru	28 July 1978	E/1984/6/Add.5 (E/1984/WG.1/ SR.11 and 18)	E/1990/5/Add.29 (Pending consideration)				

Annex (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
96. Philippines	3 January 1976	E/1978/8/Add.4 (E/1980/WG.1/ SR.11)	E/1986/3/Add.17 (E/C.12/1995/ SR.11, 12 and 14)	E/1988/5/Add.2 (E/C.12/1990/ SR.8-9 and 11)	E/1984/7/Add.4 (E/1984/WG.1/ SR.15 and 20)		
97. Poland*	18 June 1977	E/1978/8/Add.23 (E/1980/WG.1/ SR.18-19)	E/1980/6/Add.12 (E/1981/WG.1/ SR.11)	E/1982/3/Add.21 (E/1983/WG.1/ SR.9-10)	E/1984/7/Add.26 and 27 (E/1986/WG.1/ SR.25-27)	E/1986/4/Add.12 (E/C.12/1989/ SR.5-6)	E/1990/7/Add.9 (E/C.12/1992/ SR.6, 7 and 15)
98. Portugal	31 October 1978		E/1980/6/Add.35/ Rev.1 (E/1985/WG.1/ SR.2 and 4)	E/1982/3/Add.27/ Rev.1 (E/1985/WG.1/ SR.6 and 9)	E/1990/6/Add.6 (E/C.12/1995/SR.7, 8, 10) E/1990/6/Add.8 (Macao) (Pending consideration)		
99. Republic of Korea	10 July 1990	E/1990/5/Add.19 (E/C.12/1995/SR.3, 4, 6)					
100. Romania*	3 January 1976	E/1978/8/Add.20 (E/1980/WG.1/ SR.16-17)	E/1980/6/Add.1 (E/1981/WG.1/ SR.5)	E/1982/3/Add.13 (E/1982/WG.1/ SR.17-18)	E/1984/7/Add.17 (E/1985/WG.1/ SR.10 and 13)	E/1986/4/Add.17 (E/C.12/1988/ SR.6)	E/1990/7/Add.14 (E/C.12/1994/ SR.5, 7 and 13)
101. Russian Federation*^	3 January 1976	E/1978/8/Add.16 (E/1980/WG.1/ SR.14)	E/1980/6/Add.17 (E/1981/WG.1/ SR.14-15)	E/1982/3/Add.1 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.7 (E/1984/WG.1/ SR.9-10)	E/1986/4/Add.14 (E/C.12/1987/ SR.16-18)	E/1990/7/Add.8 (withdrawn)
102. Rwanda	3 January 1976	E/1984/6/Add.4 (E/1984/WG.1/ SR.10 and 12)	E/1986/3/Add.1 (E/1986/WG.1/ SR.16 and 19)	E/1982/3/Add.42 (E/C.12/1989/ SR.10-12)	E/1984/7/Add.29 (E/C.12/1989/ SR.10-12)	Overdue	Overdue
103. Saint Vincent and the Grenadines	9 February 1982	Overdue					
104. San Marino	18 January 1986	Overdue					

Annex (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
105. Senegal	13 May 1978	E/1984/6/Add.22 (E/C.12/1993/ SR.37, 38 and 49)	E/1980/6/Add.13/ Rev.1 (E/1981/WG.1/ SR.11)	E/1982/3/Add.17 (E/1983/WG.1/ SR.14-16)	Overdue		
106. Seychelles	5 August 1982	Overdue					
107. Slovakia	28 May 1993	Overdue					
108. Slovenia	6 July 1992	Overdue					
109. Solomon Islands	17 March 1982	Overdue					
110. Somalia	24 April 1990	Overdue					
111. Spain**	27 July 1977	E/1978/8/Add.26 (E/1980/WG.1/ SR.20)	E/1980/6/Add.28 (E/1982/WG.1/ SR.7)	E/1982/3/Add.22 (E/1983/WG.1/ SR.10-11)	E/1984/7/Add.2 (E/1984/WG.1/ SR.12 and 14)	E/1986/4/Add.6 (E/1986/WG.1/ SR.10 and 13)	E/1990/7/Add.3 (E/C.12/1991/ SR.13, 14, 16 and 22)
112. Sri Lanka	11 September 1980	Overdue					
113. Sudan	18 June 1986	Overdue					
114. Suriname	28 March 1977	E/1990/5/Add.20 (Pending consideration)					
115. Sweden**	3 January 1976	E/1978/8/Add.5 (E/1980/WG.1/ SR.15)	E/1980/6/Add.8 (E/1981/WG.1/ SR.9)	E/1982/3/Add.2 (E/1982/WG.1/ SR.19-20)	E/1984/7/Add.5 (E/1984/WG.1/ SR.14 and 16)	E/1986/4/Add.13 (E/C.12/1988/ SR.10-11)	E/1990/7/Add.2 (E/C.12/1991/ SR.11-13 and 18)
116. Switzerland	18 September 1992	Overdue					

Annex (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
117. Syrian Arab Republic*	3 January 1976	E/1978/8/Add.25 and 31 (E/1983/WG.1/ SR.2)	E/1980/6/Add.9 (E/1981/WG.1/ SR.4)		E/1990/6/Add.1 (E/C.12/1991/SR.7, 9 and 11)		
118. Togo	24 August 1984	Overdue					
119. Trinidad and Tobago	8 March 1979	E/1984/6/Add.21	E/1986/3/Add.11 (E/C.12/1989/SR.17-19)	E/1988/5/Add.1	Overdue		
120. Tunisia	3 January 1976	E/1978/8/Add.3 (E/1980/WG.1/ SR.5-6)	E/1986/3/Add.9 (E/C.12/1989/ SR.9)	Overdue	Overdue		
121. Uganda	21 April 1987	Overdue					
122. Ukraine**	3 January 1976	E/1978/8/Add.22 (E/1980/WG.1/ SR.18)	E/1980/6/Add.24 (E/1982/WG.1/ SR.5-6)	E/1982/3/Add.4 (E/1982/WG.1/ SR.11-12)	E/1984/7/Add.9 (E/1984/WG.1/ SR.13-15)	E/1986/4/Add.5 (E/C.12/1987/ SR.9-11)	E/1990/7/Add.11 (withdrawn)
123. United Kingdom of Great Britain and Northern Ireland*	20 August 1976	E/1978/8/Add.9 and 30 (E/1980/WG.1/ SR.19 and E/1982/WG.1/ SR.1)	E/1980/6/Add.16 and Corr.1, Add.25 and Corr.1 and Add.26 (E/1981/WG.1/ SR.16-17)	E/1982/3/Add.16 (E/1982/WG.1/ SR.19-21)	E/1984/7/Add.20 (E/1985/WG.1/ SR.14 and 17)	E/1986/4/Add.23 (E/C.12/1989/ SR.16-17) E/1986/4/Add.27 E/1986/4/28 E/C.12/1994/ SR.33, 34, 36, 37	E/1990/7/Add.16 E/C.12/1994/ SR.33, 34, 36 and 37
124. United Republic of Tanzania	11 September 1976	Overdue	E/1980/6/Add.2 (E/1980/WG.1/ SR.5)	Overdue			

Annex (continued)

State party	Date of entry into force	INITIAL REPORTS			SECOND PERIODIC REPORTS		
		Articles 6-9	Articles 10-12	Articles 13-15	Articles 6-9	Articles 10-12	Articles 13-15
		(Summary records of consideration of reports)					
125. Uruguay	3 January 1976	E/1990/5/Add.7 (E/C.12/1994/SR.3, 4, 6 and 13)			Due on 30 June 1995		
126. Venezuela	10 August 1978	E/1984/6/Add.1 (E/1984/WG.1/ SR.7-8 and 10)	E/1980/6/Add.38 (E/1986/WG.1/ SR.2 and 5)	E/1982/3/Add.33 (E/1986/WG.1/ SR.12, 17 and 18)	Overdue		
127. Viet Nam	24 December 1982	E/1990/5/Add.10 (E/C.12/1993/SR.9-11 and 19)			Overdue		
128. Yemen	9 May 1987	Overdue					
129. Federal Republic of Yugoslavia (Serbia and Montenegro)	3 January 1976	E/1978/8/Add.35 (E/1982/WG.1/ SR.4-5)	E/1980/6/Add.30 (E/1983/WG.1/ SR.3)	E/1982/3/Add.39 (E/C.12/1988/ SR.14-15)	E/1984/7/Add.10 (E/1984/WG.1/ SR.16 and 18)	Overdue	Overdue
130. Zaire	1 February 1977	E/1984/6/Add.18 E/1986/3/Add.7 E/1982/3/Add.41 (E/C.12/1988/SR.16-19)			Overdue		
131. Zambia	10 July 1984	Overdue	E/1986/3/Add.2 (E/1986/WG.1/ SR.4-5 and 7)	Overdue			
132. Zimbabwe	13 August 1991	E/1990/5/Add.28 (Pending consideration)					

* Third periodic report which was due on 30 June 1994, has not yet been received.

** Third periodic report of Colombia was received on 20 July 1994 (E/1994/104/Add.2); third periodic report of Sweden (E/1994/104/Add.1) was considered at the twelfth session (E/C.12/1995/SR.13/Add.1, 15/Add.1 and 16); third periodic report of Norway was received on 3 August 1994 (E/1994/104/Add.3); third periodic report of Ukraine was received on 19 September 1994 (E/1994/104/Add.4); third periodic report of Belarus was received on 15 June 1995 (E/1994/104/Add.6); third periodic report of Finland was received on 2 May 1995 (E/1994/104/Add.7); third periodic report of Russian Federation was received on 31 July 1995 (E/1994/104/Add.8).

*** Third periodic report, which was due on 30 June 1995, has not yet been received.

UNITED
NATIONS

E

Economic and Social
Council

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GENERAL

E/C.12/1995/10/Corr.1
14 November 1995

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Geneva, 20 November-8 December 1995

STATES PARTIES TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND STATUS OF THE SUBMISSION OF REPORTS IN ACCORDANCE WITH THE PROGRAMME ESTABLISHED BY THE ECONOMIC AND SOCIAL COUNCIL IN RESOLUTION 1988/4 AND RULE 58 OF THE RULES OF PROCEDURE OF THE COMMITTEE

Note by the Secretary-General

Corrigendum

Page 9

Delete "Macedonia, former Yugoslav Republic of" and
replace with "The Former Yugoslav Republic of Macedonia".
The information provided under this heading should be placed before "118. Togo...".

GE.95-19627

UNITED
NATIONS

E

Economic and Social
Council

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GENERAL

E/C.12/1995/11
21 July 1995

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Thirteenth session
Geneva, 20 November-8 December 1995
Item 2 of the provisional agenda

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Letter adressed by the Chairperson of the Committee on Economic, Social and Cultural Rights to Mr. Wally N'Dow, Assistant Secretary-General, United Nations Centre for Human Settlements (HABITAT)

GE.95-18387

Dear Mr. N'Dow,

1. I am writing to you in my capacity as Chairperson of the United Nations Committee on Economic, Social and Cultural Rights in relation to Resolution 15/2 (entitled "Report on housing rights strategy") adopted by the Commission on Human Settlements on 1 May 1995. The resolution requests the Executive Director to undertake, in consultation with other relevant United Nations bodies, a review of the Housing Rights Strategy report (HS/C/15/2/Add.2) with a view to taking into account, inter alia, concerns expressed by some Member States "regarding the existence and/or legal status of the right to adequate housing".

2. On the basis of detailed reports that I have received I understand that at least one delegation argued, in very strong terms, in favour of the proposition that there is no such human right as a right to adequate housing, that this right is not recognized in international human rights law and that the right has never been recognized in international treaties. The delegation indicated that it attached great importance to this issue, that it would call for a vote upon any paragraph referring to the right to housing and that it would vote against the inclusion of any such reference.

3. I do not wish to become engaged in the policy debate which is clearly a matter for those States participating in the work of the Commission. However, as Chairperson of the United Nations Committee which is charged with monitoring compliance with the International Covenant on Economic, Social and Cultural Rights, it is incumbent upon me to seek to clarify the legal doubts that have been expressed in relation to the right to housing.

4. The right to housing was first recognised in the Universal Declaration of Human Rights which has always been regarded as the foundation stone upon which the international human rights system is based. Article 25 of the Universal Declaration states that:

> "Everyone has the right to a standard of living adequate for the health and well-being of himself [sic] and his family, including ... housing ...".

5. This formulation actually derives to a very significant extent from a draft placed before the United Nations in 1946 by a singularly authoritative and distinguished body of United States legal scholars and practitioners known as the American Law Institute (ALI). The ALI's "Statement of Essential Rights" made express provision for "the right to adequate food and housing". The statement was, in turn, inspired by U.S. President Roosevelt's State of the Union Address in 1944 when he defended "the right of every family to a decent home".

6. The right was subsequently reflected in article 11(1) of the International Covenant on Economic, Social and Cultural Rights, which provides that:

> 1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing. ...

7. During debates and discussions in Nairobi, especially in the context of the Habitat Preparatory Committee meetings, several different arguments were apparently advanced to support the proposition that no right to adequate housing has ever been recognized in international law, despite the clear wording of these provisions.

8. The first argument was to the effect that these provisions recognize only "a right to an adequate standard of living" but not a right to housing. This argument is simply not tenable. In the first place, the United Nations Commission on Human Rights as well as the General Assembly and a host of other

bodies have regularly referred to the right to housing in documents, legal instruments and other texts between 1948 and today. The suggestion that there is no right to housing has never before been asserted. Indeed, not a single report submitted by any of the 131 States parties to the Covenant on Economic, Social and Cultural Rights has ever challenged, let alone denied, that there is a separate and distinct right to adequate housing recognized in the Covenant. It is very strange for this matter to have been raised for the first time after well over 40 years of debate in which no such challenge has ever been made.

9. Secondly, if there is no right to housing based on these instruments then there is, equally, neither a right to adequate food, nor a right to clothing. It is difficult to accept that this could possibly be the case given that the resulting situation would directly contradict innumerable resolutions adopted by every United Nations body from the General Assembly and the Economic and Social Council to the Commission on Human Rights and many others.

10. Thirdly, as a matter of logic, the right to an adequate standard of living, the existence of which the argument seems to acknowledge, is clearly composed of several elements. One of these is housing. If there is a right to the overall package, there is clearly a right also to the component parts, and thus also a right to housing.

11. Fourthly, this argument would also apply in relation to many of the central provisions of the Covenant on Civil and Political Rights. Suffice it to note that there is no reference to a "right to be free from torture" but merely a statement that "No one shall be subjected to torture ...". It is thus apparent that the argument put forward in Nairobi in relation to the right to housing is thus without any logical or legal foundation.

12. The second argument used by those disputing the existence of a right to housing was that it is not part of customary law. While this proposition is debateable, its acceptance means neither more nor less than that housing is on a par with a wide range of other human rights which many international law experts would not yet characterize as being part of customary law. They include: the right to freedom of association, the right to democracy (as it is commonly termed), freedom of religion, privacy, due process rights, and various worker's rights including the prohibition of exploitative child labor etc. The list of non-customary rights is a very long one, if we accept for example the approach reflected in the ALI's *Third Restatement of the Foreign Relations Law of the United States* (§702). But this argument has never been raised by the State(s) which challenge the right to housing when they themselves have sought to insist on the need for other States to respect these human rights, even though they might not be bound by relevant treaty obligations or by traditional interpretations of customary law. There is therefore no basis in law, policy or practice for the suggestion that the absence of a right from the list of customary norms is sufficient reason for any reference to that norm to be excluded from United Nations documents.

13. A third argument used was to the effect that the domestic law of certain states has never recognized a right to housing. This may well be the case but there are two important qualifications to be noted. The first is that the International Convention on the Elimination of All Forms of Racial Discrimination, to which the great majority of States are a party, refers explicitly to "the right to housing". While this only applies to an obligation not to discriminate in relation to that right, it constitutes an unequivocal recognition of the right, per se. Secondly, the fact that municipal law in one or more States does not recognize a given right as a human right for the purposes of domestic law is no reason to oppose any reference to it in an international document.

14. The final argument apparently put forward was that a right to housing would be incompatible with the "enablement" approach reflected in the U.N.'s Global Stategy for Shelter to the Year 2000. This argument could only be

plausible if the right to housing is radically misinterpreted so as to equate it with an obligation upon a government to actually provide every individual with housing. Such a proposition could only be advanced from the vantage point of great ignorance of the international human rights framework and of the views consistently expressed by the United Nations Committee on Economic, Social and Cultural Rights.

15. In assessing the arguments put forward against the existence of a right to adequate housing it is necessary also to bear in mind the implications of such a position for the overall development of international law in the human rights field. Many States have responded in an appropriately firm and uncompromising manner to suggestions by a few observers that some of the rights contained in the Universal Declaration of Human Rights and in the International Bill of Rights are not "really" human rights. These assaults on the principle of universality have correctly been rebuffed and the Vienna Declaration adopted by the World Conference on Human Rights was clear and unequivocal in its affirmation of the principles involved. It is extraordinary, however, that those who challenge the existence of a right to housing seem to be engaging in precisely such an assault, albeit in relation to a different human right. The implications of denying the existence of one of the long-recognized human rights is a strategy fraught with danger and one which cannot help but undermine the international legal regime. It is one thing for a given State to insist that it does not recognize for itself an obligation to promote the right to housing (except perhaps for the non-discrimination element dealt with in the Convention on the Elimination of All Forms of Racial Discrimination). That insistence is legitimate, even if some would question its appropriateness. It is, however, an entirely different matter to deny the existence of one of the internationally recognized human rights and to oppose all reference to it, even in a non-binding, recommendation by an international conference.

16. For these reasons I believe that the Commission on Human Settlements should unequivocally reject any suggestion that the right to adequate housing is not a human right. I would also add that the Committee on Economic, Social and Cultural Rights has recently noted (E/1995/L.21 para 10) that it is essential to ensure "that the general policy framework for the [Habitat II] Conference takes full account of the importance" of the right to adequate housing. While it has occasionally been suggested that such matters should only be dealt with by the Commission on Human Rights and not by bodies such as the Commission on Human Settlements, this is directly contrary to widely accepted views that human rights cannot be quarantined and confined to a very small segment of the overall debate. Neither the Commission on Human Rights, nor the Committee on Economic, Social and Cultural Rights, have any significant operational role or capacity, nor do they have any direct inputs into discussions on housing policy. It is therefore indispensable that this matter should be addressed by the Commission on Human Settlements and by Habitat to the fullest appropriate extent.

17. I would be grateful if you could make this letter available to the next Prep Comm and to any other pertinent meetings.

Yours sincerely,

Philip Alston,

Chairperson, United Nations Committee on

Economic, Social and Cultural Rights

UNITED NATIONS

E

Economic and Social Council

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E/C.12/1995/12

28 December 1995

ENGLISH
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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

COLOMBIA

1. The Committee considered the third periodic report of Colombia (E/1994/104/Add.2) at its 32nd, 33rd and 35th meetings on 21 and 22 November 1995 and adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the third periodic report submitted by Colombia which largely complies with the guidelines for the preparation of reports. The written responses to the list of issues submitted to the Government as well the report of the Defensoría del Pueblo de Colombia (Ombudsman) were also informative and helpful to the Committee. The competence and frankness of the Government's representatives, as well as their willingness to respond to all the questions put by members of the Committee were also appreciated. Lastly, the Committee welcomes the information provided by non-governmental organizations, as well as the stated willingness of the Government to continue the dialogue with them.

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* At its 54th meeting on 6 December 1995.

B. Positive aspects

3. The Committee notes with satisfaction the status of international human rights instruments in domestic law, the human rights provisions contained in the 1991 Constitution and the extensive programme of legislative reform aimed at improving respect for human rights and ensuring effective procedures of redress for violations of fundamental rights. It also takes note of the intention of the Government to ratify the San Salvador Protocol on Economic, Social and Cultural Rights.

4. The Committee welcomes the establishment of the Office for Human Rights, and of the Defensoría del Pueblo (Ombudsman), as well as the Commission mandated to follow up the international recommendations addressed to the Government of Colombia, and hopes that, in its next report, it will provide a detailed account of the activities and progress made by those bodies as well as the role played by the tutela mechanism established by the 1991 Constitution for the protection of economic, social and cultural rights.

5. The Committee takes note of the adoption of the Development Plan for the period 1994-1998 - the "Social Leap" - and acknowledges the efforts made by the Government to respond to the acute social problems affecting the country. Although aware of the persistence of these problems, it commends the Government's programmes to improve the social welfare system, enhance access to education, promote the rights of indigenous peoples and improve care for the homeless, particularly street children.

6. The Committee welcomes the Government's determination to respond to the problem of violence against women by reviewing relevant provisions of the criminal law and by improving its programmes on behalf of women. It also notes with satisfaction that Colombia intends shortly to ratify the Inter-American Convention on Violence against Women.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes with concern the persistence of a climate of wide-scale violence in Colombia, especially in the Uraba region. This factor seriously destabilizes the country and impedes the Government's efforts to ensure to all the full enjoyment of economic, social and cultural rights. The Committee notes that such violence is in part brought about by serious inequalities in society, such as enormous disparities in the distribution of national wealth, including land ownership.

8. The Committee notes that the frequent recourse to the establishment of state of emergency has adverse repercussions on the enjoyment of economic, social and cultural rights in Colombia.

D. Principal subjects of concern

9. The Committee is seriously concerned by the persistence of a high level of poverty affecting the majority of the country's inhabitants. In particular, the Committee notes with concern that Colombia's infant mortality rate is one of the highest in South America. While recognizing the Government's efforts to redress the situation, the Committee emphasizes that it is anomalous that such levels of poverty should persist in a country with a steadily expanding economy. The Committee expresses its concern at the disappointing results achieved by most programmes to combat poverty and improve living conditions,

especially since funds allocated in the budget for social expenditures have not been fully used for that purpose.

10. The Committee emphasizes the considerable importance of the problem of displaced persons, estimated at approximatively 600,000. Hundreds of thousands of peasants have been uprooted and forced to migrate to the cities, where they swell the numbers of slum dwellers and are in effect unable to satisfy their most basic requirements. The primary reason for these displacements is the high level of violence in certain regions of the country.

11. The Committee stresses its concern over the existence of a high number of abandoned children, or street children, deprived of all their rights (family environment, education, health, housing, ...). The Committee is concerned by the fact that the "Community Mothers Programme" designed to help the children is insufficiently funded, bearing in mind the important social work accomplished by these women, without appropriate training and work conditions.

12. The Committee is concerned that the Government's action is not sufficiently energetic in order to eradicate the odious practice of the so-called "social cleansing" by which some criminal groups threaten and kill persons that they consider disposable, including children.

13. The Committee is concerned to note that the rule of law appears to have broken down in the Uraba region, and in particular that the State no longer ensures the provision for the community of the most basic social, educational and health services.

14. The Committee expresses concern about the extensive discrimination against women. For example, it is noted that the wages of women are on the average 30 per cent lower than those of men.

15. The Committee notes with concern the drop in the real value of wages. According to a report of the Defensoría del Pueblo, in March 1995, 23.8% of the active population, in the seven principal towns of the country, received the minimum legal wage (approximatively US$135) and 64.2% received less than two minimum legal wages. Thus, approximatively 75% of the workers cannot afford to fill the "family basket", which costs two and a half minimum legal wages.

16. The Committee is seriously concerned about the violation of the right of many workers to form and join trade unions and to participate in collective bargaining and strike action. The Committee considers that the restrictions placed by law on the right to strike are far too extensive and cannot be justified by reasons of national security or public order. The Committee regrets that the present tripartite commission for trade union development does not have a mandate to consider these grave matters.

17. The Committee is concerned at the high rate of child labour, particularly in arduous and unhealthy occupations (sucu as brick making, mining) and at the insufficient action taken by the Government to combat such practice.

18. The Committee notes that the implementation and monitoring of health and safety measures in the workplace have not reached the desirable level, due, inter alia, to the insufficient number of labour inspectors.

19. The Committee notes with concern that there is a considerable shortfall of housing, amounting to 3.7 million units, and that many inhabitants live in precarious conditions in housing which does not correspond to the definition of adequate housing under article 11 of the Covenant and as detailed by the Committee.

20. The Committee notes that despite a series of governmental initiatives, effective access to education is limited in Colombia. The Committee is

particularly concerned that universal primary education, as provided for in the Covenant, is not yet attained. It is also concerned about the decline in the quality of secondary education and about the work situation of teachers.

E. Suggestions and recommendations

21. The Committee recommends that the Government, through its economic development programmes and a modification of the tax and fiscal system, now under consideration, address the problem of the inequitable distribution of wealth, with the object of effectively combating the poverty that characterizes the country. The Committee also recommends concerted efforts to improve the efficiency of Colombia's economic and social development programmes.

22. The Committee recommends that the Government continue to give priority to efforts to relieve the plight of indigenous communities, displaced persons, the homeless and other persons living on the margins of society. The Committee urges the Government to ensure that these persons' most basic needs are addressed, irrespective of any long-term strategy.

23. The Committee is of the view that the phenomenon of the so-called "social cleansing" has not been eradicated and it recommends the utmost vigilance in this regard, in particular, the punishment of the perpetrators of such crimes. The Committee also recommends that the root causes of this phenomenon be addressed with all means available to the Government.

24. The Committee urges that greater attention be given to the problem of discrimination against women and that programmes should be implemented towards the eradication of inequalities between men and women. Such programmes should, at the same time, aim to raise public awareness and interest in the economic, social and cultural rights of women.

25. The Committee recommends that the Colombian Government adopt all necessary measures to harmonize in practice its legislation on trade union freedom and collective bargaining with its international obligations in this regard.

26. The Committee also recommends that the Government take all necessary steps to ensure for all the right to free primary education. The Committee further recommends that the Government take measures to improve the quality of secondary education and the material condition of the teaching staff.

27. The Committee recommends that human rights education should be provided at all education levels, particularly in the primary education, and also in the training of police officers, members of security and armed forces, magistrates and judges.

28. The Committee also considers that the Colombian Government should:

(a) improve the training of "community mothers" and regularize their work situation, treating them for all purposes as workers in the employ of a third party;

(b) combat the practice of non-utilization of budget items earmarked for social expenditure in the State's overall budget and ensure that such appropriations are used for the purposes for which they were budgeted;

(c) improve the supply of housing, especially low-cost housing for the benefit of the poorest sectors, in urban areas and also in rural areas, and

allocate resources to provide the entire population with drinking water and sewerage services.

29. The Committee considers that it would be desirable to improve the system of social statistics based on relevant indicators, to ensure that the Government and all institutions concerned can objectively assess the problems and progress made in the area of economic, social and cultural rights.

30. The Committee recommends that Colombia make the best possible use of the technical assistance available to it by the United Nations Centre for Human Rights in cooperation with United Nations bodies and the appropriate specialized agencies, with a view to promoting the enjoyment and protection of economic, social and cultural rights for all.